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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,323	01/26/2001	Yoshio Uchikata	1272.C0442	5132

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EXAMINER

NOLAN JR, CHARLES H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/769,323	UCHIKATA, YOSHIO
	Examiner Charles H Nolan, Jr.	Art Unit 2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4,6-8,10,13,16,18-20,22 and 25 is/are rejected.
- 7) Claim(s) 2-3,5,9,11-12,14-15,17,21,23-24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The incorporation of essential material in the specification by reference (see page 1, lines 1-3 of the instant application) to a **foreign application** or patent, or to a publication is **improper**. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

### ***Specification***

3. The disclosure is objected to because of the following informalities: The following, not all inclusive, are examples of misspelled words and/or grammatical errors in the instant specification: On page 3, line 4, "shortened" should be --shorten--. On page 3, line 7 an --a --should be inserted between "performs" and "recovery". Appropriate correction is required. The Examiner has only enumerated some of the numerous errors in the instant specification. Applicant is encouraged to correct all spelling and/or grammatical errors in the instant specification now at an early stage in the prosecution of the instant application.

***Claim Objections***

4. Claims 1-3,8-9,13-15, 20-21 and 25 are objected to because of the following informalities: Independent claims 1, 8,13,20 and 25 of the instant invention each recite "substantially equal". The use of the phrase "substantially equal" does not describe the invention in such a way that particularly points out and distinctly claims the instant invention. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1,4,6-8,10,13,16,18-20,22 and 25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Watanabe (6,076,911, hereinafter "Watanabe")  
With respect to Claims 1,4,8,10,13,16,20,22, Watanabe teaches the printing(recording) apparatus in the title of the invention, the carriage(2020) mounting a printhead in column 6, lines 40-44 and figure 2, feeding the printing medium in a direction(subscanning) different than the carriage scanning direction in figure 3, the

means/step for getting information related to a printing medium feeding period in column 2, lines 47-51, the means/step for setting a carriage scanning period in column 7, lines 42-45 and figure 3 and the means/step for driving (3025) on the front page diagram.

With respect to Claim 25, Watanabe teaches printing in a leading primary(main) scan, performing a auxiliary (subscan) after completion of the printing step and before initiation of the printing step of the following primary scan in figure 6 and the functional "wherein" clause recitation in column 7, lines 35-49. With respect to Claims 6-7 and 18-19, Watanabe teaches that the carriage is assigned a zone to stop(wait) for the printing medium feeding in the event that the printing medium feeding is not completed in column 2, lines 46-49 and the accelerating of the carriage after stopping for the printing medium feeding means in figure 3, graph. The Examiner notes that to stop(wait) as taught by Watanabe is a deceleration as broadly recited in Claims 7 and 19.

#### ***Allowable Subject Matter***

8. Claims 2-3,5,9,11-12,14-15,17,21 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable **if rewritten in independent form including all(each and every) of the limitations of the base claim and any intervening claims.**

8. The following is a statement of reasons for the indication of allowable subject matter: The **total combination** of Claims 1 and 2 or Claims 1 and 3 or Claims 4 and 5 or Claims 8 and 9 or Claims 10 and 11 or Claims 10 and 12 or Claims 13 and 14 or Claims 13 and 15 or Claims 16 and 17 or Claims 20 and 21 or Claims 22 and 23 or Claims 22 and 24 is not taught and/or rendered obvious by the prior art of record.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan whose telephone number is 703-308-0961. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Charles H. Nolan  
Examiner  
Art Unit 2854

CHN  
January 13, 2002